

by the defense because they had sat on the committee that gathered evidence against Sulzer.

Herrick, for Sulzer, occupied an hour in attacking the right of the Senators to sit in the court. Parker consumed nearly an hour replying. Justice Cullen's opinion was rendered in less than five minutes. In part he said:

"That this challenge cannot be entertained is the uniform current of authority. All the precedents are against it. I equally think it is sustained by principle."

Question of Power.

"I equally think it is sustained by principle. It is a question of power. Has some member of this court power to exclude other members? This is the question. It is an ordinary question of justice. Members of a court cannot exclude one of their brethren. I do not mean to say that if any member of the court feels that such action as he has previously taken or his personal feelings toward the respondent are such as to disqualify him, that he may not appeal to be excused from sitting, but that appeal must be made by himself, and solely and cannot be considered as challenge of his quality."

Justice Cullen then offered an opportunity of discussion to the members of the court, which was not taken. The vote when he put it was unanimous in favor of denying the motion to exclude the challenged Senators. These Senators themselves asking to be excused from voting.

Court Quickly Organizes.

Organization was effected immediately on the admission of the four Senators as full fledged members. The rules of the Supreme Court of the State were adopted. This, in the opinion of a number of lawyers, is a victory for Sulzer, as strictly interpreted the rules will admit of all the technicalities with which any defendant would be hampered in his defense.

The rush of the past week rified us for a while, and caused us to put some of our customers off.

We're ready now.

New Fall Shoes and Shirts, too.

W. J. Lippincott

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Being the Story of Mary O'Neill

Hall Caine 1913

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THE WOMAN THOU GAVEST ME

Caught on a Flood of Success, Now in Its Third Large Printing

This wonderful romance is being read and discussed in every community of consequence. It is the Book of the Year,—one of those rare novels which appeal to people in every walk of life. The startling revelations of Mary O'Neill form a love story for all the world and for all time, in which Hall Caine has presented a remarkable analysis of the modern marriage. It reveals the relation of Man to Woman from the Cradle to the Grave.

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Ready Now For "Fashion Week's" Display



FALL OPENING Men's Suits

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Everything new and worth your attention or your money in the line of dress. New Fall Suits with the style that will back up your lithograph and add a credit mark to your reputation.

\$30 Suits that show why Berry clothing leads the world!

\$15 Suits that are wonders in value and satisfaction.

Won't you decide to look now?

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GRAND JURY WILL NOT INDICT THAW

Refuses to Return Bill on Charge of Conspiracy in Connection With Escape.

MUST SEEK ANOTHER CHARGE

Jerome Was Basing His Hope for Extradition on This—Councilors Favor Fugitive.

(Special to The Times-Dispatch.)

Poughkeepsie, N. Y., September 19.—The Dutchess County grand jury to-day refused to return an indictment on the charge of conspiracy against Harry K. Thaw in connection with his escape from the Matteawan Asylum for the Criminal Insane.

A warrant charging conspiracy was sworn out by the district attorney of Dutchess County, and it was upon this that the arrest of Thaw was requested in New Hampshire when the fugitive was deported from Canada.

Deputy Attorney-General William Travers Jerome was anxious to have the grand jury indict Thaw on a charge of conspiracy in the hope that Governor Parker, of New Hampshire, would then return Thaw to the custody of New York State.

Thaw in High Favor.

(Special to The Times-Dispatch.)

Concord, N. H., September 19.—It was learned to-night that several members of the Governor's council, before whom Harry K. Thaw will appear on Tuesday, when Governor Parker holds the hearing on the extradition, applied for by New York State, are strongly in favor of freeing Thaw. It is also known that the Governor and his council will not take any action upon the matter of extradition, but Thaw will be given every opportunity to prove he is sane.

No one, of Petersburgh, said to-night that he is in favor of setting Thaw free, and the Governor advised the Governor to investigate all sides of the case before making his decision.

No Quick Action.

"For my part, I do not think this matter will be decided suddenly," said Mr. Noone. "Thaw's case is one of the oddest this country has ever seen, and it is probable there will never be another like it. Even admitting that Thaw acts rash at times, there is small wonder for to go through what he has in the last five years would make a raving maniac of most men."

Thaw was disappointed to-day because he had expected to take an automobile drive through the country around Concord. Thaw is enjoying the liberty which is allowed him, and has said that he feels perfectly safe now as long as he is in the custody of the Federal officers.

Can Find No Precedent.

New York, September 19.—Inquiries are being made through official sources throughout the country by counsel for Harry K. Thaw. It was learned to-day that no precedent exists for the action of the New York State authorities in asking the extradition from New Hampshire of Thaw, an insane man, on a charge of crime.

Mr. Grossman, "has there been extradition of an insane man on a charge of crime. In fact, before the Thaw case, there has never been an application for extradition in such circumstances. All the authorities we have been able to reach agree on this."

IN ADVANCE OF EMMALINE

Miss Wickham, heading noted suffragette, is in Belmont. The immigration authorities did not molest Miss Joan Wickham when she arrived here from Liverpool, to prepare the way for Mrs. Emmaline Parkhurst, the British militant suffragette leader. Mrs. Parkhurst is expected October 1.

Miss Wickham went to the women's suffrage headquarters to meet Mrs. H. P. Belmont. She told reporters the methods used by militant suffragettes in England were necessary to get attention from officials. "We have never attacked human life," said Miss Wickham, "but if worst comes to worst, there is a strong likelihood we will do so."

OPERATORS ORGANIZE.

Protective Association Formed With Fund Amounting to \$1,000,000.

Charleston, W. Va., September 19.—Coal operators with mines along the Kanawha and Ohio, Kanawha and Michigan, Virginia, and Norfolk and Western Railroads, held a meeting here to-day and organized the Operators' Protective Association. A fund of \$1,000,000 is said to have been raised to protect the interest of the mines in the organization.

It was announced that the operators oppose "the growth of socialism and other destructive and revolutionary doctrines among their mines and employees." It also stated that "efforts are being made to injure the coal mines and their employees to injure the coal mining business of West Virginia, which have been denounced previously, are opposed."

Child Fatally Scalded.

(Special to The Times-Dispatch.)

Salem, N. C., September 19.—Falling into a tub of boiling water, a child, one year old, son of Vance Denton, a local farmer, was scalded to death. The child was found in the tub with hot water, which also contained some clothing, and when he was turned from the tub the child fell in. A part of the skin was scalded off, and its condition is critical.

National Conservation Exposition, Knoxville, Tenn., Reduced Rates Via N. & W. Ry.

For the above occasion the Norfolk and Western Railway, which is the most direct and quickest route to Knoxville, will sell round trip tickets to that point from Richmond at the following low fares, viz: \$9.45, on sale every Tuesday and Thursday in September and October, good for seven days; \$14.00, on sale daily August 30th to November 1st, good for ten days, for \$1.00 additional, except that no ticket sold at either of the above rates will be good after November 3, 1913.—Advertisement.

GAS COMPETITION IS FACING COUNCIL

(Continued From First Page.)

gas"—the sole reference to what might be construed as coal and water gas, according to Colonel Anderson, the parent body of the words, "and other gas" in a franchise, the title of which refers only to acetylene gas, savors strongly of a joker. The intent of the amendment, it thinks, is clearly shown in the clause compelling the price of the product to be manufactured. "Such acetylene gas," the franchise says, "shall not be charged for at a rate higher than \$1.00 a thousand."

Charges Noncompliance.

The fact that the company did erect with the building a small acetylene plant, Colonel Anderson holds, protects it only as regards the right to continue the manufacture and distribution of this gas. If the franchise contemplated the manufacture and distribution of coal and water gas, the company, the Assistant City Attorney claims, has forfeited its right to exercise it for that purpose, because of its noncompliance with the clause compelling the erection of the manufacturing plant within four months, on pain of annulment.

President A. L. Adamson, of the company, said that the committee and its associates have not yet decided on the plan. He said that the company had secured from the city a coal and water gas franchise, and that the city had not yet decided on the plan. He said that the company had secured from the city a coal and water gas franchise, and that the city had not yet decided on the plan.

Never Saw Hans Girl.

Regarding the intimation that he had murdered Josephine Haas in Ashtaburgh ten years ago, Schmidt said:

"I never saw the girl in my life. It is ridiculous to try to connect me with all the unsolved murders."

He said he had heard that the police would quit trying to make him out a relative of "Dr. Muret."

The dismembered fragments of the body of Anna Ammiller were brought over from New Jersey to the Belmont morgue to-night. The inquest will be held early next week. Coroner Feinberg said to-day it would not be necessary to make any further identification. Schmidt will not be the victim, although he has expressed willingness to do so.

Identification Sufficient.

It is held that the identification of the body by Anna Hirt, former chum of the dead girl, the identification of the pillow slip in which part of the body was wrapped, and the clothes found in the trunk in the Bradhurst Avenue apartment, where the murder was committed, will be sufficient proof of the corpus delicti. In addition to all this, the confession made by Schmidt describing in detail how the body had been dismembered; how the fragments were wrapped up, the quality of paper, wire, etc., used in this gruesome work, all of which have been borne out by the discoveries made before and since the arrest.

Schmidt's lawyer, however, maintains that the identification is not complete without the head of the victim. He has agreed to have two alienists examine Schmidt next week and report on his sanity. He is confident that he will be found sane.

Despite Schmidt's exoneration of Muret, the theory was advanced to-day by the police that Anna Ammiller may have been shot with the small pistol found in Muret's command. He was arrested as a confederate of Schmidt.

Trusted Savings With Him.

Several members of St. Joseph's Parish, mostly women, related their memories of the exposed criminal. They had entrusted large sums of money to him for safekeeping and now see no prospect of recovering their life savings.

In a talk with his counsel, Mr. Koelbe, to-day, Schmidt said a "super-natural voice" had told him to kill the people he had trusted. He had lacked the nerve to carry out the command.

It is believed that this alleged spiritual communication had some connection with Schmidt's supposed plan to take the names of prominent physicians, mostly women, and to kill them in the exposed criminal. They had entrusted large sums of money to him for safekeeping and now see no prospect of recovering their life savings.

DIES IN CLASS FIGHT

Annual "Tank Scarp" at Purdue University Ends Fatally.

Lafayette, Ind., September 19.—F. W. Obenchain, aged twenty, of South White, Ind., died to-day from the effects of a "tank scarp" between the freshmen and sophomore classes at Purdue University here to-night. Obenchain, a sophomore, and his classmates were leather collar, and reinforced with metal to protect their heads from the blows of the other side. Obenchain, during the fight his neck swelled until he choked to death.

The authorities issued a statement, in which it was stated that Obenchain's death was not due to any injury received in the fight, and it was announced that the historic "tank scarp" would never be held again.

Coroner H. C. Brown said the student died of heart failure caused by the excitement of the fight.

CONFEDERATE VETERANS PAY VERY LUXURIOUS TRIBUTE

Louisville, Ky., September 19.—An unusual tribute was paid to a Confederate commander by a Confederate organization here to-day, when the survivors of the battle of Gettysburg, at their annual reunion, elected Colonel Andrew Cowan of this city, an honor which he has received from the Confederate Veterans of the battle of Gettysburg.

THE WEATHER.

Forecast: Virginia—Generally fair Saturday except rain southeast portions; Sunday uncloudy; moderate east winds.

Special Local Data for Yesterday.

12 noon temperature..... 71
2 P. M. temperature..... 75
Minimum temperature up to 8
Maximum temperature up to 8
Mean temperature..... 67
Normal temperature..... 70
Excess in temperature..... 1
Excess in humidity..... 1
Accumulated excess in temperature..... 13
Deficiency in rainfall since March..... 2.85
Accumulated deficiency in rainfall since January 1..... 4.16

Local Observation 8 P. M. Yesterday.

Humidity..... 59
Wind direction..... N. E.
Wind velocity..... 10
Weather..... Cloudy
Rainfall last 12 hours..... .01

CONDITIONS IN IMPORTANT CITIES.

(At 8 P. M. Eastern Standard Time.)

City	Temp.	Wind	Clouds
Asheville	66	74	62 Clear
Atlanta	74	80	66 Clear
Baltimore	66	74	62 Clear
Boston	56	58	56 Rain
Buffalo	60	64	54 Cloudy
Chicago	60	64	54 Cloudy
Cincinnati	60	64	54 Cloudy
Cleveland	60	64	54 Cloudy
Denver	54	60	54 Cloudy
Detroit	54	60	54 Cloudy
Galveston	78	84	74 Clear
Hartford	78	84	74 Clear
Indianapolis	60	64	54 Cloudy
Jacksonville	72	84	72 Cloudy
Kansas City	58	78	60 Cloudy
Los Angeles	70	76	60 Clear
Lynchburg	70	76	60 Cloudy
Memphis	78	84	68 Clear
Minneapolis	58	64	58 Rain
Norfolk	70	80	68 Clear
Oklahoma City	60	64	54 Cloudy
Pittsburgh	66	70	60 Cloudy
Raleigh	68	78	68 Cloudy
St. Louis	66	74	64 Clear
St. Paul	56	60	56 Cloudy
San Francisco	60	76	60 Cloudy
Savannah	72	82	72 Clear
Spokane	60	64	54 Clear
Tampa	76	86	76 Clear
Washington	68	70	66 Cloudy
Wichita	60	64	54 Cloudy
Wynette	62	74	60 Cloudy